

108TH CONGRESS  
1ST SESSION

# S. 544

To establish the SAFER Firefighter Grant Program.

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## IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

Mr. DODD (for himself, Mr. WARNER, Mr. HOLLINGS, Mr. REED, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. CLINTON, Mr. SARBANES, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To establish the SAFER Firefighter Grant Program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Staffing for Adequate  
5       Fire and Emergency Response Firefighters Act of 2003”.

6       **SEC. 2. OFFICE OF GRANT MANAGEMENT.**

7       The Federal Fire Prevention and Control Act of 1974  
8       (15 U.S.C. 2201 et seq.) is amended by redesignating the  
9       second section 33 and section 34 as sections 35 and 36,  
10       respectively, and by inserting after the first section 33 the  
11       following new section:

1 **“SEC. 34. OFFICE OF GRANT MANAGEMENT.**

2 “(a) ESTABLISHMENT.—A new office within the  
3 United States Fire Administration shall be established to  
4 administer the SAFER Firefighter grant program under  
5 this section.

6 “(b) AUTHORITY TO MAKE GRANTS.—(1) The Ad-  
7 ministrator may make grants directly to career, voluntary,  
8 and combination fire departments of a State, in consulta-  
9 tion with the chief executive of the State, for the purpose  
10 of substantially increasing the number of firefighters so  
11 that communities can meet industry minimum standards  
12 to provide adequate protection from acts of terrorism and  
13 hazards.

14 “(2)(A) Grants made under paragraph (1) shall be  
15 for 4 years and be used for programs to hire new, addi-  
16 tional career firefighters.

17 “(B) Grantees are required to commit to retaining  
18 for at least 1 year beyond the termination of their grants  
19 those career firefighters hired under paragraph (1).

20 “(3) In awarding grants under this section, the Ad-  
21 ministrator may give preferential consideration, where fea-  
22 sible, to applications for hiring and rehiring additional ca-  
23 reer firefighters that involve a non-Federal contribution  
24 exceeding the minimums under paragraph (5).

25 “(4) The Administrator may provide technical assist-  
26 ance to States, units of local government, Indian tribal

1 governments, and to other public entities, in furtherance  
2 of the purposes of this section.

3 “(5) The portion of the costs of a program, project,  
4 or activity provided by a grant under paragraph (1) may  
5 not exceed—

6 “(A) 90 percent in the first year of the grant;

7 “(B) 80 percent in the second year of the  
8 grant;

9 “(C) 50 percent in the third year of the grant;

10 and

11 “(D) 30 percent in the fourth year of the grant,  
12 unless the Administrator waives, wholly or in part, the re-  
13 quirement under this paragraph of a non-Federal con-  
14 tribution to the costs of a program, project, or activity.

15 “(6) The authority under paragraph (1) of this sec-  
16 tion to make grants for the hiring of additional career fire-  
17 fighters shall lapse at the conclusion of 10 years from the  
18 date of enactment of this section. Prior to the expiration  
19 of this grant authority, the Administrator shall submit a  
20 report to Congress concerning the experience with and ef-  
21 fects of such grants. The report may include any rec-  
22 ommendations the Administrator may have for amend-  
23 ments to this section and related provisions of law.

1       “(c) APPLICATIONS.—(1) No grant may be made  
2 under this section unless an application has been sub-  
3 mitted to, and approved by, the Administrator.

4       “(2) An application for a grant under this section  
5 shall be submitted in such form, and contain such infor-  
6 mation, as the Administrator may prescribe by regulation  
7 or guidelines.

8       “(3) In accordance with the regulations or guidelines  
9 established by the Administrator, each application for a  
10 grant under this section shall—

11           “(A) include a long-term strategy and detailed  
12 implementation plan that reflects consultation with  
13 community groups and appropriate private and pub-  
14 lic agencies and reflects consideration of the state-  
15 wide strategy;

16           “(B) explain the applicant’s inability to address  
17 the need without Federal assistance;

18           “(C) outline the initial and ongoing level of  
19 community support for implementing the proposal  
20 including financial and in-kind contributions or  
21 other tangible commitments;

22           “(D) specify plans for obtaining necessary sup-  
23 port and continuing the proposed program, project,  
24 or activity following the conclusion of Federal sup-  
25 port; and

1           “(E) provide assurances that the applicant will,  
2           to the extent practicable, seek, recruit, and hire  
3           members of racial and ethnic minority groups and  
4           women in order to increase their ranks within fire-  
5           fighting.

6           “(4) Notwithstanding any other provision of this sec-  
7           tion, in relation to applications under this section of units  
8           of local government or fire districts having jurisdiction  
9           over areas with populations of less than 50,000, the Ad-  
10          ministrators may waive 1 or more of the requirements of  
11          paragraph (3) and may otherwise make special provisions  
12          to facilitate the expedited submission, processing, and ap-  
13          proval of such applications.

14          “(d) LIMITATION ON USE OF FUNDS.—(1) Funds  
15          made available under this section to States or units of  
16          local government for salaries and benefits to hire new, ad-  
17          ditional career firefighters shall not be used to supplant  
18          State or local funds, or, in the case of Indian tribal gov-  
19          ernments, funds supplied by the Bureau of Indian Affairs,  
20          but shall be used to increase the amount of funds that  
21          would, in the absence of Federal funds received under this  
22          section, be made available from State or local sources, or  
23          in the case of Indian tribal governments, from funds sup-  
24          plied by the Bureau of Indian Affairs.

1       “(2) Funds appropriated by the Congress for the ac-  
2       tivities of any agency of an Indian tribal government or  
3       the Bureau of Indian Affairs performing firefighting func-  
4       tions on any Indian lands may be used to provide the non-  
5       Federal share of the cost of programs or projects funded  
6       under this section.

7       “(3)(A) Total funding provided under this section  
8       over 4 years for hiring a career firefighter may not exceed  
9       \$100,000, unless the Administrator grants a waiver from  
10      this limitation.

11      “(B) The \$100,000 cap shall be adjusted annually  
12      for inflation beginning in fiscal year 2005.

13      “(e) PERFORMANCE EVALUATION.—(1) Each pro-  
14      gram, project, or activity funded under this section shall  
15      contain a monitoring component, developed pursuant to  
16      guidelines established by the Administrator. The moni-  
17      toring required by this subsection shall include systematic  
18      identification and collection of data about activities, ac-  
19      complishments, and programs throughout the life of the  
20      program, project, or activity and presentation of such data  
21      in a usable form.

22      “(2) Selected grant recipients shall be evaluated on  
23      the local level or as part of a national evaluation, pursuant  
24      to guidelines established by the Administrator. Such eval-  
25      uations may include assessments of individual program

1 implementations. In selected jurisdictions that are able to  
2 support outcome evaluations, the effectiveness of funded  
3 programs, projects, and activities may be required.

4 “(3) The Administrator may require a grant recipient  
5 to submit to the Administrator the results of the moni-  
6 toring and evaluations required under paragraphs (1) and  
7 (2) and such other data and information as the Adminis-  
8 trator considers reasonably necessary.

9 “(f) REVOCATION OR SUSPENSION OF FUNDING.—  
10 If the Administrator determines, as a result of the activi-  
11 ties under subsection (e), or otherwise, that a grant recipi-  
12 ent under this section is not in substantial compliance with  
13 the terms and requirements of an approved grant applica-  
14 tion submitted under subsection (c), the Administrator  
15 may revoke or suspend funding of that grant, in whole  
16 or in part.

17 “(g) ACCESS TO DOCUMENTS.—(1) The Adminis-  
18 trator shall have access for the purpose of audit and exam-  
19 ination to any pertinent books, documents, papers, or  
20 records of a grant recipient under this section and to the  
21 pertinent books, documents, papers, or records of State  
22 and local governments, persons, businesses, and other en-  
23 tities that are involved in programs, projects, or activities  
24 for which assistance is provided under this section.

1 “(2) Paragraph (1) shall apply with respect to audits  
 2 and examinations conducted by the Comptroller General  
 3 of the United States or by an authorized representative  
 4 of the Comptroller General.

5 “(h) DEFINITIONS.—In this section, the term—

6 “(1) ‘firefighter’ has the meaning given the  
 7 term ‘employee in fire protection activities’ under  
 8 section 3(a) of the Fair Labor Standards Act (29  
 9 U.S.C. 203(y)); and

10 “(2) ‘Indian tribe’ means a tribe, band, pueblo,  
 11 nation, or other organized group or community of  
 12 Indians, including an Alaska Native village (as de-  
 13 fined in or established under the Alaska Native  
 14 Claims Settlement Act (43 U.S.C. 1601 et seq.)),  
 15 that is recognized as eligible for the special pro-  
 16 grams and services provided by the United States to  
 17 Indians because of their status as Indians.

18 “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
 19 are authorized to be appropriated for the purposes of car-  
 20 rying out this section—

21 “(1) \$1,000,000,000 for fiscal year 2004;

22 “(2) \$1,030,000,000 for fiscal year 2005;

23 “(3) \$1,061,000,000 for fiscal year 2006;

24 “(4) \$1,093,000,000 for fiscal year 2007;

25 “(5) \$1,126,000,000 for fiscal year 2008;



- 1 “(6) \$1,159,000,000 for fiscal year 2009; and
- 2 “(7) \$1,194,000,000 for fiscal year 2010.”.

